



"Express Mail" mailing label number: EL868560190US

Date of Deposit: August 2, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Missing Parts, Commissioner for Patents, Washington D.C. 20231.

Typed or Printed Name of Person Mailing Paper or Fee: Patricia Aguillon

Signature: Patricia Aguillon

PATENT
Docket No. P1283

**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: CHAK LEUNG
KENT LEUNG
HOWIE TRANG
DAR-QWEI (DAVID) FUH
STANLEY YU

RECEIVED
OCT 10 2001
OFFICE OF PETITIONS

SERIAL NO.: 09/811,834

EXAMINER: UNKNOWN

FILED: MARCH 16, 2001

ART UNIT: 2873

FOR: REFLECTOR ASSEMBLIES FOR OPTICAL CROSS-CONNECT
SWITCHES AND SWITCHES FABRICATED THEREFROM

**BOX MISSING PARTS
COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231**

PETITION UNDER 37 C.F.R. §1.47

Dear Sir:

As a Supplemental Response to the Notice to File Missing Parts of a Nonprovisional Application dated May 31, 2001, it is respectfully requested that the requirement for the filing of the oath or declaration of inventor Howie Trang be satisfied in view of this Petition Under 37 C.F.R. §1.47.

STATEMENT OF FACTS

1. The U.S. Patent and Trademark Office issued a Notice to File Missing Parts on May 31, 2001, stating in pertinent part, that the Oath or Declaration was missing or unsigned.
2. Inventor Howie Trang is no longer employed by the proposed assignee, Blue Sky Research of Milpitas, California.

3. It is believed that Howie Trang terminated his employment under less than amicable circumstances and would therefore be uncooperative in the execution of the required documents for patent prosecution.
4. While the documents were sent to Mr. Trang to his last known address by the attorney of record for the proposed assignee, it is believed that he maintains his refusal to sign the documents, because they have not been received by either the proposed assignee or its attorney of record.
5. An effort has been made to contact Mr. Trang by telephone, however, that as met with negative results because he has an unpublished number.
6. Proof of the pertinent facts is attached hereto.
7. The required petition fee is submitted herewith.

EXHIBITS IN SUPPORT OF PETITION

1. Notice to File Missing Parts with mailing date of May 31, 2001 (Exhibit A).
2. Copy of Victor Flores letter to Ron E. Grubman dated July 5, 2001 (Exhibit B).
3. Copy of letter from proposed assignee, Blue Sky Research, to its attorney of record regarding the termination of the employment of Howie Trang. (Exhibit C)
4. Copy of letter to Mr. Howie Trang from Ms. Kathleen Hearne Gaisford dated July 5, 2001, enclosing the Declaration and Power of Attorney for signature and return. (Exhibit D)
5. Declaration of Victor Flores in Support of Petition to the Commissioner under 37 C.F.R. §1.47(a). (Exhibit E.)

STATEMENT OF THE CIRCUMSTANCES

This application was filed on March 16, 2001, with missing parts. One of the missing parts was the Oath and Declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed from the Patent Office on May 31, 2001, copy of which is attached as Exhibit A.

A letter and Declaration form was sent via Federal Express to the proposed assignee for signature by Howie Trang and his co-inventors on July 5, 2001.

There were five inventors, namely: Chak Leung, Kent Leung, Howie Trang, Dar-Qwei (David) Fuh, and Stanley Yu. Four of the five inventors have signed the Declaration and

returned the signed Declaration to LaRiviere, Grubman & Payne, LLP. The missing parts, including the signed Declaration of Victor Flores is filed herewith.

CONCLUSION

In view of the unwillingness of Mr. Howie Trang to execute the Oath or Declaration required for filing the present patent application, the co-inventors and their Assignee, Blue Sky Research, are believed to be entitled to make such application on behalf of Howie Trang and as agent for their co-inventor.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Victor Flores", with a stylized flourish at the end.

Victor Flores

Reg. No. 29,638

VF/pa
August 2, 2001
LARIVIERE, GRUBMAN & PAYNE, LLP
P.O. Box 3140
Monterey, CA 93942
(831) 649-8800